

# ***SCAAC Meeting Summary and Minutes***

## ***(School Curriculum, Assessment, and Accountability Council)***

July 9, 2003  
First Floor Conference Room  
Capital Plaza Tower, Frankfort, Kentucky

### **Committee Members:**

Margie T. Bradford	Eleanor Mills	Nancy S. Sutton
Kay Freeland	Henry Ormsby	Roxie R. Tempus
Suzanne Guyer	Roger Pankratz	J. Maynard Thomas, Vice-Chairman
Varetta D. Hurt	Robert Sexton	
Benny Lile, Chairman	Linda Sheffield	
Gary Mielcarek	H. M. Snodgrass	Two (2) Open Positions

### **SCAAC Agenda**

	<b>Agenda Items</b>	<b>Presenters</b>
	<b>Call to Order</b>	<b>Benny Lile</b>
<b>1.</b>	<b>Roll Call</b>	<b>Roger Ervin</b>
<b>2.</b>	<b>Approval of January 27, 2003 Meeting Summary and Minutes</b>	<b>Benny Lile</b>
<b>3.</b>	<b>Review of Policy Issues and Implementation of the No Child Left Behind Act of 2001</b>	<b>Scott Trimble</b>
<b>Adjournment</b>		

**Call to Order****Benny Lile**

Chairperson Benny Lile greeted members at approximately 9:00 a.m. Benny advised committee members that he was expecting a quorum but with only seven members currently present, the meeting could not be called to order at this time. Benny noted this meeting is devoted to the No Child Left Behind Act of 2001 (NCLB). Kentucky Department of Education staff will be presenting details of Kentucky's updated NCLB plan which was submitted to the US Department of Education in mid June. Department staff are looking to this committee to comment and make recommendations on the proposed plan. Benny asked the committee to review the July 8, 2003 draft summary document *Kentucky Update on No Child Left Behind Act (NCLB)* from Kevin Nolan.

Benny Lile reported that Dale Campbell has retired and he has resigned from the committee. We will be looking for a new member to fill the Principal member position. Benny recognized Eleanor Mills who has a new district roll. She is the Assistant Superintendent of Curriculum and Instruction. At this time the committee has no Principal representation and we will be working with the Governor's office to have the open membership positions filled.

**1. Roll Call****Roger Ervin**

With a quorum of council members present, the meeting was called to order at approximately 9:15 a.m. The membership roll was called with the following members present:

Kay Freeland  
Suzanne Guyer  
Varetta Hurt  
Benny Lile

Gary Mielcarek  
Eleanor Mills  
Henry Ormsby  
Roger Pankratz

H. M. Snodgrass  
Roxie Tempus  
Maynard Thomas

**Presenters:**

Cindy Owen, Office of Assessment and Accountability, Kentucky Department of Education

Scott Trimble, Office of Assessment and Accountability, Kentucky Department of Education

**In Attendance:**

Kentucky Department of Education: Roger Ervin, Linda France, Bill Insko, Catherine Wright

Legislative Research Commission, Office of Education Accountability: Gerald Lunney

<b>2</b>	<b>Approval of January 27, 2003 Meeting Summary and Minutes</b>	<b>Benny Lile</b>
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SCAAC member comments:

Benny Lile advised members that copies of the Draft January 27, 2003 meeting Summary and Minutes were in their folder. The committee will take up the minutes for consideration later today, probably after lunch.

<b>3</b>	<b>No Child Left Behind Act of 2001 (NCLB) - Review of issues</b>	<b>Scott Trimble</b>
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SCAAC member comments:

Benny Lile suggested the committee begin with a review of the Kevin Noland NCLB document and for members to look at the DRAFT Summary Chart (Kentucky System / NCLB Decision Chart) located in the packet of materials. Scott Trimble will lead the discussion on the Summary Chart. Benny Lile asked Scott Trimble to provide an update on NCLB activities since the last council meeting in January. Scott should also give guidance on the type of things and actions that he is looking for from the committee today.

KDE staff comments:

Scott Trimble apologized for not providing the large amount of materials to the committee prior to the meeting. The documents have been in transition and it was not until Monday night that they were completed. As committee members work through the materials, he will try to explain how and why the documents have changed.

Scott believes that we clearly had a vision and a direction from within the Department of Education and the State Board to pursue approval from Washington to maintain and continue what we had established previously with USDOE. That was our ability to use our accountability system to meet Title I requirements. Members had an opportunity to see the January plan that was submitted to the US Department of Education which we felt was consistent with direction that the State Board wanted us to pursue. On April 15<sup>th</sup> we had a session that the NCLB statute refers to as a "Peer Review". At the peer review Washington sent a group of people consisting of USDOE representatives, and a individual from another State Department of Education and representatives from various other groups; a total of five or six people. Their purpose was to come to Kentucky and ask questions and to try to fully understand the plan that Kentucky had submitted. On April 15<sup>th</sup>, two things became clear to Scott. One was that they were very complementary and very supportive of the assessment and accountability system that Kentucky created since reform was implemented in 1992. They provided a long list of accolades that we should be appreciative and grateful for. They also shared that there are parts of the NCLB statute

that Kentucky appeared to be out of compliance with. In late May in an exchange of letters between USDOE and Kentucky Department of Education Commissioner Gene Wilhoit, USDOE outlined places that by federal statute Kentucky was not in compliance and we needed to figure out ways to come into compliance. In early June, the Department resubmitted a revised Workbook; the original was submitted on January 31, 2003. The Kentucky Department of Education proposed strategies that we felt would bring us into compliance with the key components of NCLB.

What is being presented to you today is a document that contains the “meat” of what the State Board has to consider. In our correspondence with Washington one thing that was stressed is that Kentucky revised statute 158.645 etc. requires a certain review process that we must go through. It was made clear that there is a review process and the Kentucky Department of Education does not have the authority to agree to the conditions that are outlined in the workbook that would be necessary for us to become compliant with NCLB. The review process that is required of us includes this committee, which is in statute, the National Technical Advisory Panel for Assessment and Accountability (NTAPAA) which by statute requires that we seek their advice as we make substantive changes, the Education Assessment and Accountability Review Subcommittee, and the Office of Education Accountability. By statute we are required to consult with at least these four groups of people. We also feel other statutes require the KDE to seek the input from the Local Superintendents Advisory Committee.

The first twenty three (23) pages of the chart are the critical part. The language in the proposed regulation change is the language that we agreed with USDOE to propose to the Kentucky State Board of Education. We are looking to this committee for feedback. The committee is not obligated to agree with us. Additionally, this is going to the Kentucky Board of Education for their consideration at their August meeting. The Board may decide on these regulations at the August meeting or take longer to study.

SCAAC member comments:

Benny Lile asks about flexibility in the regulations with the USDOE. If something is approved and in the future this committee studies the issue, and has a better way to do that and still comply with NCLB, do we have provisions to make changes along the way?

KDE staff comments:

Scott Trimble advises his interpretation of statute is that as long as we do not go outside the boundaries of NCLB there will be ways to negotiate with USDOE. There will be a number of issues prescribed within the law on which Washington cannot be flexible unless the Federal law is changed.

SCAAC member comments:

Maynard Thomas asks if any state has elected to not comply with NCLB.

KDE staff comments:

Scott Trimble advises that all states are attempting to comply. There are no states that are fully approved. Kentucky, like the other states, have a compliance agreement letter which

means that everyone is conditionally approved and there are certain things everyone has to follow through with if they are going to stay approved.

The State Board has options in August to say yes to the proposed regulations as (1) an emergency regulation, (2) not an emergency regulation and they will review again and (3) the Board could say they need more time.

Cindy Owen says that any of the items that the Board does not act on at the August meeting will logically come back to this committee as the Board will ask for more information or ask that things be looked at in a different way.

SCAAC member comments:

Maynard Thomas asks what are the consequences if Kentucky chooses to not be compliant?

KDE staff comments:

Cindy Owen advises that Kentucky loses 7% of our funding. Kentucky cannot afford to lose that much money for the schools.

OEA staff comments:

Gerald Lunney asks if the 7% is Title I money.

KDE staff comments:

Scott Trimble confirms that it is only Title I money.

SCAAC member comments:

Kay Freeland believes that it also affects Teacher Quality funds. This has massive ramifications for districts if they lose their Title money.

KDE staff comments:

Scott Trimble responds that may well be the case.

OEA staff comments:

Gerald Lunney advises that this is not 7% across the board. The percentage is different by district. Some districts have percentages much higher than 7%.

KDE staff comments:

Cindy Owen led the committee through the 1<sup>st</sup> twenty three pages of the draft Kentucky System/NCLB Decision Chart. These are all of the NCLB issues that the Board will act on at the August 2003 meeting. The chart is organized with four columns,; (1) Topic, (2) Kentucky's current system, (3) No Child Left Behind Act of 2001 and (4) Change to Kentucky's System.

The first item in the chart is the Inclusion of Students with Limited English Proficiency. A key component that weaves through all of the topics is how we define a full academic year. All students are treated equally as there can only be one definition for full academic year.

Cindy Owen advises that the Kentucky Department of Education is proposing a two dimension system for accountability; one dimension is the federal system and the other is the state dimension. Everyone is trying to hold onto what Kentucky has accomplished. The law says that you cannot have two accountability systems. The US Department of Education staff said that we can have a matrix system. This is how the two dimension model came about. One dimension determines Adequate Yearly Progress (AYP) and the other is the Kentucky dimension that allows us to continue growth charts and accountability as we know it now. There will be two decisions where the school has met AYP or not and it will either will be progressing, meeting your goal or in assistance.

SCAAC member comments:

Benny Lile advises that Scott Trimble mentioned district accountability which will weave its way through everything. This is the piece of NCLB that has not hit home to Kentucky. If we were to choose the definition of full academic year that excludes not only limited English proficient (LEP) students but also transient students, the school will not be held accountable for any of these students, Benny asks Scott to present some of the scenarios where schools might show that they are meeting AYP and the district is not. This might include all schools in the district meeting AYP and the district is not. So, if the committee recommends the most lenient full academic year admission, it means that many of these students will still count at the district.

KDE staff comments:

Cindy Owen advises that district accountability is a parallel system to school accountability.

SCAAC member comments:

Henry Ormsby asked for a definition of limited English proficiency and how pervasive is it in the 120 counties in Kentucky? Is the determination by an objective test?

KDE staff comments:

Cindy Owen responds that if a child comes in to your district and there is any reason for the school to believe that this child needs to be tested to determine their proficiency in English, then the student will take the test. The department has approved two tests for use statewide.

Scott Trimble adds that it is a civil rights four question screening device. The essence of the four questions are: Is the language primarily spoken in your house a language other than English and Is there any reason to believe that English is not the primary language of the child? If the answer is yes, then the student shall be considered LEP and then the question shifts to whether or not the student is eligible for services provided under LEP. We are required to test the student with an English language development assessment and there are two approved assessments. The assessment determines whether or not the

student is proficient in English. Such a student can move into the curriculum without the services of LEP instructional assistance.

SCAAC member comments:

Benny Lile advises that there is not a state standard, thus districts and schools do not have to follow a standard at this time.

KDE staff comments:

Cindy Owen shares that the two approved assessments are LAS and IPT. The plan is to eventually move to one assessment.

Scott Trimble wants everyone to understand that this is a single accountability system. We are proposing to change definition of Academic year that we asked this committee to approve at the last committee meeting. The new definition for Academic Year is “a period of time within a particular school beginning with the first day in the school year instruction is offered and ending with the last day within a school on which state required assessment may be administered.”

Having a definition of first day of school year to last day of testing window cleans up some of the logistic issues with testing.

SCAAC member comments:

Roger Pankratz points out that under the mindset of KERA, students can be exempted from accountability calculations. Under the NCLB model, all students are included; there are no exemptions.

KDE staff comments:

Scott Trimble indicates that there are three dimensions to meeting Adequate Yearly Progress (AYP). Certain groups have to meet the required percent proficient and above in reading and in mathematics. For every school and every subpopulation there is a requirement that you have to test 95% of the students. For example if you have 11 students in a sub-population and you only test 10, then you do not meet the 95% testing requirement and you do not meet AYP. This is a conjunctive model where you have to meet each of the requirements to meet AYP. The third dimension is that each of these sub-populations have to make progress on another academic indicator. These apply to reading and mathematics equally.

Cindy Owen asks that the committee comment on the definition of full academic year. This is not a perfect solution but does address schools who have different starting dates, especially schools operating on alternative calendars. Having the last day of the testing window also deals with logistics issues of student movement during the testing window.

SCAAC member comments:

Benny Lile feels this definition has positives. It deals with the student from Indiana who registers on the first day of testing window where under the current system the school is

accountable for the student. It also deals with student movement between districts during the testing window.

Roxie Tempus is concerned that schools are uncomfortable about accepting students who move between districts during testing window.

*KDE staff comments:*

Cindy Owen responds that teachers feel that it is unfair that they should be held accountable for things that they cannot control. The teachers feel very frustrated as they feel that they cannot be assessed on the students educational needs prior to the test.

*SCAAC member comments:*

Verrata Hurt shares that transient students are often in multiple schools in multiple districts in a given year and teachers feel the unfairness for being held accountable for these students.

*KDE staff comments:*

Scott Trimble provides the counter point that by removing these students from school accountability and putting the accountability at the district or state level is not fair to transient students.

*SCAAC member comments:*

Benny Lile points out that schools with high LEP populations like Bowling Green Ind. feel the penalty of not having sufficient time with the student prior to being held accountable for the student.

Eleanor Mills expresses concern that some districts will have difficulties in finding interpreters to test the students, especially if the student has just entered the school. At the same time University parents/students enroll their students in public school when the University starts which is often a later date than when the public school begins the school year.

H. M. Snodgrass recommends that the proposed definition not be changed; an accountable student is a student enrolled from the first day of the school year to the last day of the testing window.

Members then discussed what is meant by enrolled on the first day as Kentucky attendance tracking system may have the student as enrolled but in reality the student is now attending or plans to attend another school possibly in another district. The definition needs to address both enrolled and in attendance. Does the student need to be present the first day of school?

Benny Lile and Eleanor Mills point out that a student who is sick the first day of school and is not present, would then not be part of NCLB? We do not want to develop a definition



that is going to deny the accountability of a student that has been in a school system for twelve years but because of a first day of school definition is excluded.

Benny Lile says that the most accurate day to measure student enrollment status is the Tuesday after Labor Day. Many states have chosen student enrollment dates on October to address this.

H. M. Snodgrass feels that it is important to set the enrollment date as early as possible in the school year. Many schools have been open for a month to two months when an October enrollment date is chosen.

Roxie Tempus feels the direction should be to include as many students as possible. We do not want to lose students just because of not being in the school for a few days.

Gary Mielcarek asks if there is a certain amount of days that the student should be in the school for accountability? The draft definition uses fixed points in time, the first Tuesday after Labor day for example. Could this be a sliding scale? Could you say that for a school to be accountable for the student, the schools has provided 25 days of instruction, 40 days of instruction, etc?

Benny Lile agrees as this may address the transient students. Benny recommends that since the average school year is based on 175 days, then if the student is enrolled in the school for 150 days, then the school is accountable. This allows for some movement of the students while holding schools accountable.

OEA staff comments:

Gerald Lunney reminds members that that the 150 days do not include instruction days after testing. If school starts late in the year, they may not meet the 150 day enrollment requirement.

SCAAC member comments:

Kay Freeland points out that if Eastern Kentucky schools have a bad winter, students may not have 150 instructional days prior to the testing window.

Maynard Thomas is not hearing instruction days. He is concerned about students who are at the school but are in “in school suspension” and are not getting instruction on these days.

H. M. Snodgrass feels that the criteria be kept as simple as possible and the department be permitted to make exceptions to the 150 day requirement on a case by case basis.

Benny Lile advises that this committee is advisory and Kentucky Department of Education (KDE) staff will “crunch the numbers” and if 140 days is a better fit then they will take that number to the Board.

### **SCAAC Motion:**

Eleanor Mills made the motion to accept the definition of academic year as presented *“Academic Year” means a period of time within a particular school, beginning with the first day in the school year in which instruction is offered and ending with the last day within a school on which state required assessments may be administered* with the change that the student be enrolled for 150 instructional days to the end of the testing window. The motion was seconded by Gary M Mielcarek.

The motion was voted on and passed unanimously.  
{A quorum was present.}

### **KDE staff comments:**

Cindy Owen began the discussion on the English Language Proficiency Examination requirements as outlined on page 2 of the Kentucky System/NCLB Decision Chart.

Scott Trimble advises that English Proficiency Standards on the top of page 3 of the Kentucky System/NCLB Decision Chart and the English Language Proficiency Examination are all related. Each year a school will have to administer a English Language Development test to students who are LEP for purposes of providing services. We are required to decide what standards the test is designed to measure. A group of teachers have met and are recommending the set of standards. We are working with other states, 18 in total, to develop the English Language Proficiency Examination. At this time we refer to it as the CCSSO English Language Development Test. There are some difficulties in the development. The initial field test was scheduled for last spring. Now the field test is scheduled for Spring 2004. Some states are thinking about using this English Language Development Assessment (ELDA) in a census like testing under field test conditions to meet the requirements of the law. We are not going in that direction. Kentucky is under no requirement to develop a single test by Spring 2005.

### **SCAAC member comments:**

H. M. Snodgrass asks why the new CCSSO test is significantly better than what is currently adopted?

### **KDE staff comments:**

Scott Trimble responds that the current tests do not address the standards teaching experts feel need to be addressed. There also is dissatisfaction with the commercially available tests.

### **SCAAC member comments:**

Benny Lile advises that the committee does not need to take action on English Language Proficiency Examination (item 2) and English Proficiency Standards (Item 3).

KDE staff comments:

Cindy Owen begins the discussion on AYP –Adequate Yearly Progress (Kentucky System/NCLB Decision Chart, page 4). There are criteria for schools to meet AYP. There is the Kentucky Dimension to our Accountability model and there is the Federal Dimension.

Scott Trimble advises that there will be a single accountability model with two dimensions. The state portion will be defined in 703 KAR 5:020 sections 3 through 10 and the Federal Dimension will be defined in a new section of this regulation. The key components for the Federal Dimension is reading and mathematics assessments, participation rate, the total student population, the NCLB sub-populations in Kentucky of White, African-American, Hispanic and Asian, low SES (economically deprived), limited English proficient students, and students with disabilities. The percentages are based on Proficient or above for meeting AYP. Gender and migrant students are not addressed for accountability purposes under NCLB, but are included in the state dimension to meet requirements of Kentucky Senate Bill - SB168. The other indicator is student multiple choice performance on all the Kentucky Core Content Test content areas excluding the writing assessments (On-demand writing and writing portfolio). At the high school level, the third indicator is graduation rate. We would like to have all open response components as part of the third indicator but we believe there is insufficient time to score and report results by August 1. The KCCT open response and multiple choice will continue to count on the State Dimension. The state will have three sets of lines for schools to meet, an elementary level line, a middle school line and a high school line.

SCAAC member comments:

Kay Freeland asks for a definition of what is proficient.

KDE staff comments:

Scott Trimble says that the definition is negotiable and will have to be accepted by the Kentucky Board of Education. It is important that this committee share their feeling on what is proficient.

SCAAC member comments:

Roger Pankratz feels that the proficient issue is a very basic thing. People in the state want to do away with the accountability system including professionals (teachers / administrators). If you have a lower standard for the national, then why not do away with the state system. If the standards are the same there is not the motivation to do this. In every state they have tried to do away with reform. The No Child Left Behind Act is in an odd way is a type of reform. NCLB is more like the Texas system where it looks at very low performance standards but does not look across the board.

Henry Ormsby advises that the accountability system is absolutely critical in the way we communicate success. Different standards will cause confusion and people will try to get rid of standards. It has to be simple and understandable. If Kentucky's standards are different than other state's standards, it will create confusion and credibility issues.

Kay Freeland feels that the sole reason for AYP is for devising standards to get the federal money, the 7% funding. Kay describes a presentation at the Superintendents meeting by a Washington, DC presenter who talked about setting standards. The state with the easiest testing system is Texas. The chart goes from the easiest standards to states who have set tougher standards. Kentucky has set very high standards. We are setting ourselves up for suicide by setting these high standards on AYP to get money. Losing the 7% means her district will lose one million dollars. The money provides, lower class size, reading tutors and instructional technology.

H. M. Snodgrass reiterates what Kay Freeland has said. Our high standards will cause us to achieve a national ranking below the states of Louisiana and Mississippi. It is critical that we keep to a two dimension system. The legislature is going to say why two standards?

Benny Lile advises that this is going to be an education in the PR process to have two standards. Can we survive with two standards?

Roger Pankratz feels that NCLB could cause us to loose our accountability system.

OEA staff comments:

Gerald Lunney reminds the committee that there is no national standard and there will be 50 state standards.

SCAAC member comments:

Henry Ormsby states that he wasn't aware that there is not a national standard. He had assumed that the law provided for a national standard and all statutes would be measured against the same standard.

Maynard Thomas feels that the average citizen is not aware that the NCLB is based on reading and mathematics and that we could be doing away with reform just based on reading and mathematics test. This is not what the educational system is about, it is more than just two content areas.

OEA staff comments:

Gerald Lunney asks the committee to define what does the next system look like, a multiple choice based on reading and mathematics or a comprehensive state assessment. This committee has opportunity to influence that decision.

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At approximately 12:00 p.m. the committee began a lunch break.  
The meeting was reconvened at approximately 12:40 p.m.

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SCAAC member comments:

Benny Lile reconvened the committee meeting and begins a discussion on the National Assessment on Education Progress (NAEP).

KDE staff comments:

Scott Trimble states that several weeks ago the NAEP data in reading was released. Only 40 states are participating at this time. In the future you will be able to compare every state's performance on NAEP. Seventy percent of Kentucky student's are below the NAEP standard in reading. This is different than the Kentucky proficient standard on the Kentucky assessment. The NAEP assessment is based on sample of about 2,500 students at the fourth grade level or the eighth grade level. When reading results are again released in September all 50 states will participate at grades 4 and 8. You can compare the 50 states based on a sample of students assessed in reading and mathematics at grade 4 and grade 8. But when comparisons are made on AYP, the results are based on individual state assessments and the standards set by the individual states. That accounts for the reason why the state of Michigan has the largest number of schools not meeting AYP and the state of Arkansas having the most schools meeting. Thus it is a totally inappropriate comparison to compare results for the two states.

SCAAC member comments:

Henry Ormsby feels that it is important to set high standards and how we communicate the standards is absolutely critical. This is the whole education communities challenge to effectively define the standards and just as importantly to communicate that.

Benny Lile wants to refocus so that we can retain as much of the Kentucky system while meeting the federal guidelines. The question before us is do we want to support the two dimension matrix system or does a committee member have a better thought on how to accomplish this.

**SCAAC Motion:**

Maynard Thomas makes the motion to adopt the idea of a two dimension matrix system as presented. H. M. Snodgrass seconds the motion as presented on page 4 of the Kentucky System/NCLB Decision Chart.

Discussion:

Roxie Tempus states that we need to support the two dimension matrix system with PR and how do we sell it.

Henry Ormsby feels that we need to think about the next steps.

Maynard Thomas recommends one of the next steps is for this committee to meet with the legislative group called EAARS. This committee is letting other legislatures know what is happening in education. This committee has talked to the National Technical Advisory Panel on Assessment and Accountability (NTAPAA) as far as education is concerned.

EAARS has talked with NTAPAA and they have given advice to the Board. This might be one of the ways to start the PR is to meet with EAARS.

Benny Lile advises that Scott Trimble has made some attempts at setting up a meeting but it has been impossible to pull all parties together. This is still on the agenda and as soon as this meeting can be set up that he is favor that we convene.

The committee voted on the motion and motion passed unanimously.

*KDE staff comments:*

Scott Trimble addressed the next section (page 5) in the Kentucky System/NCLB Decision Chart which deals with Annual Versus Biennial Accountability Performance Judgments. The essence is that once we establish the concept of the two dimension system, that we will continue to make biennial decisions on the Kentucky state dimension and annual decisions on the federal dimension. This also describes the three conditions in reading and mathematics that a school needs to meet to make successful AYP. This also introduces the concept of a school and district accountability system on both the state and federal dimensions. This section addresses consequences if AYP is not being met. The initial consequences are that the school will need to offer choice of schools. On the federal dimension the calculations are based on improving the number of proficient students. We are adding language dealing with confidence intervals and that we are 99 percent confident on the percentages.

*SCAAC member comments:*

H. M. Snodgrass indicates that this is non-negotiable and there is not a need for a motion from this committee.

Benny Lile directs the committee to page 6 of the Kentucky System/NCLB Decision Chart which is Schools in Improvement.

*KDE staff comments:*

Scott Trimble advises that this is really a continuation of the items previously discussed.

*SCAAC member comments:*

Maynard Thomas asks if it is possible that there would not be any choices for parents in some situations in Kentucky.

*KDE staff comments:*

Scott Trimble responds yes. An example of that is in a number of small Independent districts and small county districts will not have another school within the district to allow the students to attend. The Department will encourage the district to work out something with neighboring districts to allow school choice. In some places the geography is simply too difficult to think about. For accountability calculations, the sub-populations will need to have 10 students at the grade level and 30 students per school to be considered.

SCAAC member comments:

Benny Lile asks if the 10 and 30 rule and the 150 day motion that the committee passed applies to state accountability?

KDE staff comments:

Scott Trimble responds that the academic year will apply to both the state dimension and the federal dimension. The n-count will also apply to both.

SCAAC member comments:

Benny Lile asks if members have any additional comments on Schools in Improvement and if not we will move on to page 7 and discuss School Choice and Supplemental Services.

KDE staff comments:

Scott Trimble believes that the committee has already covered School Choice. Once you are a school in improvement you have to offer school choice. If you are a school in improvement and you do not make Adequate Yearly Progress the year after you have been designated. Another way to think is that the school has not made AYP in three consecutive years, then you have to offer supplemental services. A certain percentage of your Title I fund has to go to providing students with "services outside the regular school that is having the difficulty in making AYP". This is not negotiable within NCLB.

The determination on an improving school is made by content area, reading and mathematics. So if you fail for two consecutive years in reading or two consecutive years in mathematics, you are an improving school. In the third year you will need to offer supplemental services.

SCAAC member comments:

Benny Lile asks if members have any additional comments on School Choice and Supplemental Services. If not we will move on to page 8 and discuss Corrective Action.

KDE staff comments:

Scott Trimble advises that the way this is drafted and the way the federal legislation reads, the corrective action is the responsibility of the district.

Scott Trimble moves on to School Restructuring, page 9 of the Kentucky System/NCLB Decision Chart. School Restructuring takes affect after a fifth year of not making AYP or the third year of being identified as an improving school. The district has to plan for an alternative school governance. In the sixth year the district has to implement it.

Appeals, page 10 of the Kentucky System/NCLB Decision Chart is the next topic that Scott Trimble addressed. The language on appeals is that local districts have to provide schools the opportunity to appeal their performance judgment. The schools by federal law appeal their classification to the district, not the Kentucky Board of Education. Once the appeal is started, the process has to be completed in 30 days.

SCAAC member comments:

Benny Lile advises committee members that Roger Pankratz and Henry Ormsby will have to leave shortly and the committee will lose a quorum and will not be in a position to take action on any of the items. Benny asked committee members, Scott Trimble and Cindy Owen if there are any critical remaining items to review. Most of the other items have been covered in committee discussions on previous items. Scott asked that the NAEP Year -- 2002-2003 NAEP Participation Grades 4 and 8 Reading and Mathematics (Page 20) and Reporting Timelines Year -- 2002-2003 Reporting Timelines (page 21) be reviewed by the committee.

KDE staff comments:

Cindy Owen led the discussion on NAEP Year 2002-2003. There is a lot of confusion as the law says that states and districts that receive Title I funds have to participate at grades 4 and 8 in the reading and mathematics portions of the National Assessment. The law is ambiguous when it comes to schools. The law says that it is voluntary for students. This makes it difficult for districts in the 2003 reading when principals want to opt out their school because of other testing. This can affect the Title I funds that go to the district. Is it better for Kentucky to say that if you are a school in Kentucky and you are selected to participate in the NAEP, it is a requirement that you do participate? Is this easier for superintendents, is it easier for principals to convince teachers? NAEP is not being clear whether this will affect Title I funds at the school level. Approximately 20 other states are making it a requirement that schools selected for the National Assessment must participate. If there is not a 85 percent participation rate within the state, the feds can withhold Title I funds for the state.

**SCAAC Motion:**

Eleanor Mills made the motion that the Kentucky Board of Education adopt a policy of requiring schools selected for the NAEP testing be required to administer the assessment. Kay Freeland seconded the motion.

The committee voted on the motion and it passed unanimously.

SCAAC member comments:

Benny Lile asks that the Reporting Timelines (page 21) be covered.

KDE staff comments:

Scott Trimble indicates that for this year Assessment results will not be in the schools by August 1 reporting deadline. Hopefully, we will be able to convince the federal government that we made a good faith effort. The reason we cannot do it this year is that we could not get contractual arrangements in place in time. Scott advises that IRT, Scaling and Equating cannot be done. It is not just a matter scanning booklets with multiple choice responses. The whole process requires multiple choice and open response questions.

Before next year we are going to do three things. First, we are going to find out if there is anyway possible to get the open response and multiple choice scored and reported in



reading and mathematics by August 1. Cindy Owen adds that this also includes the open response and multiple choice for the other content areas. This is option 1.

Option 2 is to get the reading and mathematics open response and multiple choice and the other content area multiple choice in time to report by August 1. This should allow us to make a single AYP performance judgment. This may require the movement of the testing window earlier in the school year. We know that people do not want to move to earlier testing in the year.

Option 3 will require us to give you a preliminary AYP performance judgment based only on multiple choice reading and mathematics and multiple choice responses in the other content areas. Reading and mathematics will be used for the main calculations and multiple choice scores in science, social studies, arts & humanities and practical living / vocational studies will serve as the third determination. This is a preliminary federal AYP decision. In October we will come back with the final determination including open response. The addition of the open response results could change the AYP determination. Schools already identified and starting school choice will have to continue to the end of the school year. Schools in August that were making AYP and in October are not will immediately have to offer school choice.

We are looking to this committee for your recommendations.

Cindy Owen indicates that others are again raising the possibility of Fall testing. This is something we discussed with this committee a long time ago. If we consider this the fourth grade examination would be moved to the beginning of the fifth grade, the scores would be available to schools in the January/February time frame. This would allow schools time to appeal decisions and allow schools and districts to plan. The earliest that this could take effect is the Fall of 2005.

SCAAC member comments:

Benny Lile points out that this eliminates much of the dual reporting and possible changes in AYP performance determinations.

Suzanne Guyer points out that by changing to fall testing will change our whole accountability picture because results will go back to previous school. Suzanne suggests that a test like what Daviess Co is using, the interactive NWEA could serve as the national test and administered in May with results back in 15 days.

Benny Lile indicates that this test or test like it gives diagnostic information which is one of the major complaints teachers have with the CATS test. You can take the NWEA up to five times a year because of the size of the item bank. You could give the state test multiple times and May test is the State test that counts.

Roger Pankratz indicates that he is about to leave and is there any voting that Scott Trimble is expecting from the committee.

KDE staff comments:

Scott Trimble would like to know if there is anything in the 2004 reporting cycle that we should hold our line on. When the testing window is or should we consider an alternative testing window to make one performance judgment by August 1 as opposed to a preliminary finding. If we decide to move to Fall testing is it ok to have one year of confusion.

SCAAC member comments:

Benny Lile feels that we will have to do dual performance judgments for 2004 and we need to start having discussions real soon for 2005. The consensus of committee members is that because of limited time for discussion, lack of information and people having different ideas of what is going on, moving the testing window to an alternative schedule is not a wise decision.

KDE staff comments:

Scott Trimble advises that he will attempt to hold the testing window where it is, that is if he can.

SCAAC member comments:

Committee members said that teachers are so pleased that the testing window was moved back. They cannot believe that Frankfort actually listened.

Benny Lile advises by leaving the testing window where it is schools will get two reports for Spring 2004 results.

KDE staff comments:

Scott Trimble asks if he can address District Accountability (page 11 of the Kentucky System / NCLB Decision Chart). We will aggregate all the student data to the district level and make all the accountability calculations at the district level as if this was a school. This is another non-negotiable item, but this has serious implications for districts. When sub-populations calculations are performed, a school may not have sufficient students in the sub-population, but when all schools are rolled up to the district there may be a sufficient number of students at the district level to perform the calculation. Thus all schools in a district could meet AYP but the district does not. The sub-populations will effect about one-third of Kentucky districts.

SCAAC member comments:

H. M. Snodgrass asks if you can have a different n-count for the district level than at the school level.

Benny Lile indicates that this could penalize the medium to large districts.

KDE staff comments:

Scott Trimble advises that the 10 per grade is a FERPA issue. The Board is not interested in excluding sub-populations for consideration, thus finds the 10 per grade an acceptable number.

SCAAC member comments:

Kay Freeland is concerned about having all students with disabilities at the proficient level. By definition these students are categorized as having special needs and possibility of the sub-population performing at the same level of performance as the regular population is remote at best.

Eleanor Mills points out that the state guidelines are more stringent than the federal guidelines especially for learning disability students.

KDE staff comments:

Scott Trimble indicates that the statistics show that special education tends to be more male than female, more minority than the majority and more economically deprived. It is a tough issue as to how we can deliver the same curriculum.

SCAAC member comments:

Roger Pankratz asks if any additional motions are needed as he is about to leave and the committee will no longer have a member quorum.

H. M. Snodgrass asks if the committee should address how to set N at the district level and we should not use 10 and 30. Should the committee re-look at the N at school level.

Benny Lile indicates that an N-count of 10 has already been approved.

KDE staff comments:

Scott Trimble says that he has tried to share the feelings of the NTAPAA and the feelings of the Board. Is there an alternative motion that the committee wants to present?

SCAAC member comments:

Benny Lile indicates that an N-count of 10 per grade level is in the workbook and we probably should consider as approved. That does not mean that we cannot ask for reconsideration. The N-count at the district level is still up for consideration.

Maynard Thomas says that this is the first he has heard about N-counts and feels that he does not know enough about it to vote one way or the other. Maynard wants to know whether or not it is going to be more advantageous to larger districts to have a different N-count than it would be for smaller districts.

KDE staff comments:

Cindy Owen answers the question by going back to the law and the part where it talks about district accountability. It says in the case of a local education agency, the law directs

the reader to the section on schools. Thus it is unlikely that we will have the flexibility at the district level to have different N-counts. We can ask the question.

SCAAC member comments:

Benny Lile feels that we do not need a motion. The committee needs a clarification on District and look again at the school.

OEA staff comments:

Gerald Lunney asks for a clarification on participation. What happens if you fail participation? What happens with the rule of 10 when you have 10 students and one student does not take the test?

KDE staff comments:

Scott Trimble advises that if you fail participation then you fail AYP. The rule of 10 with one of 10 students not taking the test will cause the school to fail AYP. We will look at the N-count at the district level and the N-count at participation level.

SCAAC member comments:

Benny Lile asks if there are comments from committee members on the other pages in the Kentucky System / NCLB Decision Chart.

H. M. Snodgrass has a question on the importance of augmented testing component. What is the test going to look like and what is the additional cost.

KDE staff comments:

Scott Trimble responds that it is the NRT as it currently exists plus some additional number of multiple choice items to sufficiently cover the core content plus up to two open response questions and possibly multiple forms in the subject areas of reading and mathematics. The additional cost is thought to be approximately two million per year or about 10 dollars per student. The costs are very rough estimates as the contractor is in the process of providing a cost estimate to the Department.

Scott Trimble moved onto Baseline Starting Points. On the state dimension the baseline will remain the years of 1999 and 2000. For the federal dimension the starting point is spring 2002. As far as the U.S..D.O.E. is concerned this is another non-negotiable item. Scott continued covering the other topics addressing the substitution of graduation rate in place as dropout rate and safe harbor. The Board has asked that for both the state dimension and federal dimension that graduation rate will replace dropout rate.

SCAAC member comments:

Benny Lile points out that the graduation rate calculation is based on the standard diploma. Students with disabilities who stay until they are 21 will not count as a graduate nor will students who do not graduate in four years.

Benny Lile asks where high schools fit into this as the majority of high schools do not get Title I funds.

*KDE staff comments:*

Scott Trimble responds that we will provide the same calculations and if a school is not receiving Title I funds, the school will not be held to the consequences of the law.

*SCAAC member comments:*

Benny Lile discussed with committee members about the status of members. Eleanor Mills has moved from a principal position to expanded responsibilities at the Central Office. She is now a District Assessment Coordinator (DAC). Benny will recommend to KAAC that Eleanor be nominated to fill the open DAC position on the committee.

Benny Lile asks the committee members if they want to meet every other month and tentatively reserve the last Monday of the month. The members ask for the month of September if they can meet on the last Friday of September which is September 26. Everyone agrees that this is the best September date.

Benny advises that we could not get to the minutes so we will review at the September meeting.

Maynard Thomas advises that the minutes are not being kept up-to-date on the WEB site. Can the draft minutes be provided to the committee prior to the meeting so committee members can approve.

Benny Lile indicates in another committee he is involved with that the minutes are delivered as presented, members review the minutes and return comments electronically and they become final at the conclusion of the next committee meeting.

Benny Lile and Maynard Thomas agree that to make a decision on the procedural change, a quorum of members is needed to vote on the proposal. We would like them emailed out two weeks in advance.

<b>ADJOURNMENT</b>
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*SCAAC member comments:*

Benny Lile advises that since there is no longer a member quorum, there cannot be a motion to adjourn the meeting. Benny Lile ended the meeting at approximately 2:30 p.m.